

AMENDED IN SENATE JULY 6, 2015
AMENDED IN SENATE JUNE 8, 2015
AMENDED IN ASSEMBLY APRIL 16, 2015
AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1146

Introduced by Assembly Member Jones
(Principal coauthor: Senator Anderson)
(Coauthors: Assembly Members Harper and Olsen)

February 27, 2015

An act to amend, repeal, and add Section 115800 of the Health and Safety Code, relating to recreational safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1146, as amended, Jones. Skateboard parks.

Existing law prohibits an operator of a skateboard park from permitting a person to ride a skateboard at the park, unless the person is wearing a helmet, elbow pads, and knee pads. Existing law provides that a skateboard facility owned or operated by a local public agency that is not supervised on a regular basis may satisfy the above requirement if it complies with certain things, including the adoption of an ordinance that requires a person riding a skateboard in the facility to wear a helmet, elbow pads, and knee pads, as provided. Existing law provides that a public entity is not liable to a person who participates in a hazardous recreational activity and skateboarding at a facility owned or operated by a public entity as a public skateboard park is a hazardous recreational activity, if certain conditions are met.

For purposes of the above provisions relating to skateboard safety and liability, among others, this bill would include other wheeled recreational devices, as defined, until January 1, 2020.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115800 of the Health and Safety Code
2 is amended to read:

3 115800. (a) An operator of a skateboard park shall not permit
4 a person to ride a skateboard or other wheeled recreational device
5 in the skateboard park, unless that person is wearing a helmet,
6 elbow pads, and knee pads.

7 (b) With respect to a facility, owned or operated by a local public
8 agency, that is designed and maintained for the purpose of riding
9 a recreational skateboard or other wheeled recreational device,
10 and that is not supervised on a regular basis, the requirements of
11 subdivision (a) may be satisfied by compliance with the following:

12 (1) Adoption by the local public agency of an ordinance
13 requiring a person riding a skateboard or other wheeled recreational
14 device at the facility to wear a helmet, elbow pads, and knee pads.

15 (2) The posting of signs at the facility affording reasonable
16 notice that a person riding a skateboard or other wheeled
17 recreational device in the facility must wear a helmet, elbow pads,
18 and knee pads, and that a person failing to do so will be subject to
19 citation pursuant to the ordinance required by paragraph (1).

20 (c) “Local public agency” for purposes of this section includes,
21 but is not limited to, a city, county, or city and county.

22 (d) For purposes of this section, “other wheeled recreational
23 device” means nonmotorized bicycles, scooters, in-line skates,
24 roller skates, or wheelchairs.

25 (e) (1) Riding a skateboard or other wheeled recreational device,
26 or any concurrent combination of these activities at a facility or
27 park owned or operated by a public entity as a public skateboard
28 park, as provided in paragraph (3), shall be deemed a hazardous
29 recreational activity within the meaning of Section 831.7 of the
30 Government Code if all of the following conditions are met:

31 (A) The person riding the skateboard or other wheeled
32 recreational device is 12 years of age or older.

1 (B) The riding of the skateboard or other wheeled recreational
2 device that caused the injury was stunt, trick, or luge riding.

3 (C) The skateboard park is on public property that complies
4 with subdivision (a) or (b).

5 (2) In addition to subdivision (c) of Section 831.7 of the
6 Government Code, this section does not limit the liability of a
7 public entity with respect to any other duty imposed pursuant to
8 existing law, including the duty to protect against dangerous
9 conditions of public property pursuant to Chapter 2 (commencing
10 with Section 830) of Part 2 of Division 3.6 of Title 1 of the
11 Government Code. However, this section does not abrogate or
12 limit any other legal rights, defenses, or immunities that may
13 otherwise be available at law.

14 (3) (A) Except as provided in subparagraph (B), for public
15 skateboard parks that were constructed on or before January 1,
16 1998, this subdivision shall apply to hazardous recreational activity
17 injuries incurred on or after January 1, 1998, and before January
18 1, 2001. For public skateboard parks that are constructed after
19 January 1, 1998, this subdivision shall apply to hazardous
20 recreational activity injuries incurred on or after January 1, 1998.
21 For purposes of this subdivision, a skateboard facility that is a
22 movable facility shall be deemed constructed on the first date it is
23 initially made available for use at a location by the local public
24 agency.

25 (B) For public skateboard parks that were constructed after
26 January 1, 1996, and before January 1, 1998, this subdivision shall
27 apply to hazardous recreational activity injuries incurred on or
28 after January 1, 2012.

29 (4) The appropriate local public agency shall maintain a record
30 of all known or reported injuries incurred by a person riding a
31 skateboard or other wheeled recreational device in a public
32 skateboard park or facility. The local public agency shall also
33 maintain a record of all claims, paid and not paid, including any
34 lawsuits and their results, arising from those incidents that were
35 filed against the public agency. Copies of the records of claims
36 and lawsuits shall be filed annually, no later than January 30 each
37 year, with the Assembly Committee on Judiciary and the Senate
38 Committee on Judiciary.

39 (5) (A) Except as provided in subparagraph (B), this subdivision
40 shall not apply on or after January 1, 2001, to public skateboard

1 parks that were constructed on or before January 1, 1998, but shall
2 continue to apply to public skateboard parks that are constructed
3 after January 1, 1998.

4 (B) On and after January 1, 2012, this subdivision shall apply
5 to public skateboard parks that were constructed on or after January
6 1, 1996.

7 (6) For purposes of injuries that occur while operating one of
8 the other wheeled recreational devices described in subdivision
9 (d) in a skateboard facility, this subdivision shall apply to any
10 claim ~~filed~~ *for injuries occurring* on or after January 1, 2016.

11 (f) This section shall remain in effect only until January 1, 2020,
12 and as of that date is repealed, unless a later enacted statute, that
13 is enacted before January 1, 2020, deletes or extends that date.

14 SEC. 2. Section 115800 is added to the Health and Safety Code,
15 to read:

16 115800. (a) An operator of a skateboard park shall not permit
17 a person to ride a skateboard in the park, unless that person is
18 wearing a helmet, elbow pads, and knee pads.

19 (b) With respect to a facility, owned or operated by a local public
20 agency, that is designed and maintained for the purpose of riding
21 a recreational skateboard, and that is not supervised on a regular
22 basis, the requirements of subdivision (a) may be satisfied by
23 compliance with the following:

24 (1) Adoption by the local public agency of an ordinance
25 requiring a person riding a skateboard at the facility to wear a
26 helmet, elbow pads, and knee pads.

27 (2) The posting of signs at the facility affording reasonable
28 notice that a person riding a skateboard in the facility must wear
29 a helmet, elbow pads, and knee pads, and that a person failing to
30 do so will be subject to citation under the ordinance required by
31 paragraph (1).

32 (c) "Local public agency" for purposes of this section includes,
33 but is not limited to, a city, county, or city and county.

34 (d) (1) Riding a skateboard at a facility or park owned or
35 operated by a public entity as a public skateboard park, as provided
36 in paragraph (3), shall be deemed a hazardous recreational activity
37 within the meaning of Section 831.7 of the Government Code if
38 all of the following conditions are met:

39 (A) The person riding the skateboard is 12 years of age or older.

1 (B) The riding of the skateboard that caused the injury was stunt,
2 trick, or luge riding.

3 (C) The skateboard park is on public property that complies
4 with subdivision (a) or (b).

5 (2) In addition to subdivision (c) of Section 831.7 of the
6 Government Code, this section does not limit the liability of a
7 public entity with respect to any other duty imposed pursuant to
8 existing law, including the duty to protect against dangerous
9 conditions of public property pursuant to Chapter 2 (commencing
10 with Section 830) of Part 2 of Division 3.6 of Title 1 of the
11 Government Code. However, this section does not abrogate or
12 limit any other legal rights, defenses, or immunities that may
13 otherwise be available at law.

14 (3) (A) Except as provided in subparagraph (B), for public
15 skateboard parks that were constructed on or before January 1,
16 1998, this subdivision shall apply to hazardous recreational activity
17 injuries incurred on or after January 1, 1998, and before January
18 1, 2001. For public skateboard parks that are constructed after
19 January 1, 1998, this subdivision shall apply to hazardous
20 recreational activity injuries incurred on or after January 1, 1998.
21 For purposes of this subdivision, a skateboard facility that is a
22 movable facility shall be deemed constructed on the first date it is
23 initially made available for use at a location by the local public
24 agency.

25 (B) For public skateboard parks that were constructed after
26 January 1, 1996, and before January 1, 1998, this subdivision shall
27 apply to hazardous recreational activity injuries incurred on or
28 after January 1, 2012.

29 (4) The appropriate local public agency shall maintain a record
30 of all known or reported injuries incurred by a person riding a
31 skateboard in a public skateboard park or facility. The local public
32 agency shall also maintain a record of all claims, paid and not paid,
33 including any lawsuits and their results, arising from those incidents
34 that were filed against the public agency. Copies of the records of
35 claims and lawsuits shall be filed annually, no later than January
36 30 each year, with the Assembly Committee on Judiciary and the
37 Senate Committee on Judiciary.

38 (5) (A) Except as provided in subparagraph (B), this subdivision
39 shall not apply on or after January 1, 2001, to public skateboard
40 parks that were constructed on or before January 1, 1998, but shall

- 1 continue to apply to public skateboard parks that are constructed
- 2 after January 1, 1998.
- 3 (B) On and after January 1, 2012, this subdivision shall apply
- 4 to public skateboard parks that were constructed on or after January
- 5 1, 1996.
- 6 (e) This section shall become operative on January 1, 2020.